IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.NO.5199 OF 1995
DATED 18-1-2007

BETWEEN
G.Murali

.. PETITIONER

And

District Collector,
Kurnool, Kurnool District and 3 others.

…RESPONDENTS

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO.5199 of 1995

ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the action of the Special Officer, Parumanchala PACS in keeping in abeyance with effect from 22.2.1995, the orders issued by him on 18.2.1995 in RC No.1 of 1995 admitting the petitioner to duty as Secretary of Parumanchala PACS as arbitrary and illegal.

There is no necessity for going into all the details. It appears that during the pendency of the writ petition, the petitioner was reinstated into service and he is continuing as Secretary of Parumanchala PACS. Further, it is the case of the petitioner that he had deposited all the amounts pursuant to the surcharge proceedings passed by the Divisional Cooperative Officer, Kurnool in Rc No.1385/91-P-F dated 11.11.1994. However, the learned counsel for the respondents states that he has instructions to the effect that the petitioner has not discharged the entire amount under the surcharge proceedings, but only a part of it.

In view of the above, the writ petition has become infructuous insofar as the prayer for reinstatement of the petitioner is concerned. Insofar as the prayer 'not to initiate any criminal proceedings pursuant to the surcharge proceedings' is concerned, in view of the admitted fact that the petitioner has discharged a part of the surcharge amount, it is always open for the respondents to initiate appropriate proceedings for recovering the balance amount pursuant to the surcharge proceedings and may also consider taking up criminal proceedings after putting the petitioner on notice as per law.

The writ petition is accordingly disposed of. No costs.

C.V.RAMULU,J

Dated 18.1.2007
msv